

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Patent Appeal No. 2005-0271	)	Group Art Unit: 3643
Patent Application Serial No. 09/636,731	)	Examiner: Rowan, Kurt C.
Filing Date: August 10, 2000	)	Docket No.: 013174.0101PTUS
For: Chest Fly Box System	)	(Formerly 9283/001)
Inventor: Jerry Thomas Moore	)	Confirmation No.: 9120

**Certificate Of Facsimile**

I hereby certify that, on the date shown below, this correspondence is being sent via facsimile, addressed to: Clerk Of The Board, Board Of Patent Appeals And Interferences, United States Patent And Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, Facsimile No. 571-273-0289.

March 7, 2005  
Date

Elaine C. VonSpreckelsen  
Elaine C. VonSpreckelsen

Clerk Of The Board  
Board Of Patent Appeals And Interferences  
United States Patent And Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**APPELLANT'S REQUEST TO RESCHEDULE HEARING AND  
REQUEST FOR PARTICIPATION VIA TELEPHONE**

This paper is responsive to the Notice of Hearing mailed February 25, 2005.

Appellant hereby requests that the Oral Hearing in the above matter currently scheduled for Thursday, April 7, 2005, at 1:00 P.M. (EDT) be rescheduled for another day. Appellant also requests that Applicant's attorney be permitted to participate in the hearing via telephone.

Appellant's attorney will be unable to attend the hearing by telephone that day, as he is flying from San Diego and Indianapolis with his three children on April 7, 2005, and he is scheduled to be in flight at the time of the presently scheduled hearing at 1:00 PM Eastern time. This flight has been scheduled for more than two months and this is his children's spring break.

It is unlikely that Appellant's attorney will be able to attend in person at any time because of the costs of travel; therefore, participation by telephone is respectfully requested.

At this time, Appellant's attorney is available any day during Eastern time zone business hours, except Monday prior to 11:00 AM Eastern time, during the weeks of April 11 - 15, April 19 - 22, and April 25 - 29.

This paper is timely filed because it is being filed within 21 days after the mailing of the notice. A duplicate of this sheet is attached.

Respectfully submitted,  
**PATTON BOGGS LLP**

Dated: 3/7/05

By: 

Carl A. Forest, Reg. No. 28,494

Tel: 303-894-6114

Fax: 303-894-9239

**Customer No. 24283**

13174.101

Carl

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MAR 01 2005

Patton Boggs, LLP



## United States Patent and Trademark Office

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DENVER, CO  
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Appeal No: 2005-0271  
Appellant: Jerry Thomas Moore  
Application No: 09/636,731  
Hearing Room: A  
Hearing Docket: B  
Hearing Date: Thursday, April 07, 2005  
Hearing Time: 01:00 PM  
Location: Madison Building - East Wing  
600 Dulany Street, 9th Floor  
Alexandria, Virginia 22313-1450

FEB 28 2005

U.S. PAT. &amp; TM. OFF.

## NOTICE OF HEARING

## CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

BPAI HEARINGS FAX No: (571) 273-0299

USPTO Central Fax No: (703) 872-9306

BPAI Mailing Address: BOARD OF PATENT APPEALS AND INTERFERENCES  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VIRGINIA 22313-1450

In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE: ☒ HEARING ATTENDANCE CONFIRMED ☐ HEARING ATTENDANCE WAIVED

Signature of Attorney/Agent/Appellant  
CARL A. FOREST

Date

3/7/05

28,494  
Registration No.

Names of other visitors expected to accompany counsel:

For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see  
[http://www.uspto.gov/web/offices/dcom/bpai/docs/conjuncts/contact\\_info.htm](http://www.uspto.gov/web/offices/dcom/bpai/docs/conjuncts/contact_info.htm)

\* Request for date change + telephone hearing  
is attached.

**PATTON BOGGS LLP**  
ATTORNEYS AT LAW1660 Lincoln Street, Suite 2050  
Denver, CO 80264  
303-830-1776

Facsimile: 303-894-9239

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**To: Clerk Of The Board, Board Of Patent Appeals And Interferences****Company: United States Patent And Trademark Office****Fax Number: 1-571-273-0299****Phone Number: 1-571-272-9797****Appeal No.: 2005-0271**

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**Total Pages**  
**Including Cover: 6**

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**From: Elaine C. VonSpreckelsen, IP Specialist****Sender's Direct Line: 303-379-1111****Date: March 7, 2005****Client Number: 013174.0101PTUS (Formerly 9283/001)**

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**Comments:****Appeal No.: 2005-2309 Docket No.: 013174.0101PTUS (Formerly 9283/001)**  
**Serial No.: 09/636,731 Filed: 10 Aug 2000**  
**Appellant: Jerry Thomas Moore**

ANCHORAGE

DALLAS

DENVER

NORTHERN VIRGINIA

WASHINGTON, D.C.

DOHA, QATAR

**Attached please find the following documents to be entered in the above appeal:**

1. Executed Notice Of Hearing (1 page)
2. Appellant's Request To Reschedule Hearing And Request For Participation Via Telephone (2 for a total of 4 pages)

**If you should have any questions, please do not hesitate to contact me.  
Thank you for your assistance.**

**Confidentiality Note:** The documents accompanying this facsimile contain information from the law firm of Patton Boggs LLP which is confidential and/or privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this facsimile is strictly prohibited, and that the documents should be returned to this Firm immediately. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at no cost to you.

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